

REMARKS/ARGUMENTS

Claims 1-19 were previously pending in the application. New claim 20 is added. Therefore, claims 1-20 are presented for consideration.

Claims 1-5, 8-11, 16, 18 and 19 are rejected as being anticipated by MARTIN 6,186,996.

Reconsideration and withdrawal of the rejection are respectfully requested because the reference does not disclose or suggest elastic elements extending in the longitudinal direction fastened to only the liquid barriers without an elastic element being connected to the side flaps as recited in claim 1 of the present application.

By way of example, Figure 3 of the present application shows an inner barrier 5 and a side flap 3. As seen in Figure 3, the elastic element 11 is only fastened to the inner barrier 5 without an elastic element being connected to side flap 3.

In contrast, Figure 4 of MARTIN (noted in the Official Action) shows elastic members 16 and 17 as part of liquid barrier 3 and also includes elastic elements 10 in the side flaps. Therefore MARTIN does not meet the limitation of elastic elements fastened to only the liquid barriers without an elastic element being connected to the side flaps. As the reference does not disclose that which is recited, the anticipation rejection is not

viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2-5 and 8 depend from claim 1 and further define the invention and are also believed patentable over MARTIN.

Claim 9 provides that elastic elements extend in the longitudinal direction and are fastened to only the liquid barriers without an elastic element being connected to the side flaps. The comments above regarding claim 1 are equally applicable to claim 9. Claims 10, 11, 16 and 18 depend from claim 9 and further define the invention and are also believed patentable over MARTIN.

Claim 19 provides a single elastic element extending in the longitudinal direction connecting an area adjacent to the free edge of the liquid barrier and the side flap, without any additional elastic elements being connected to either the liquid barrier or the side flap. The comments above regarding claim 1 are also equally applicable to claim 19.

Claims 6-7, 12-15 and 17 are rejected as unpatentable over MARTIN and further in view of YAMAMOTO et al. 5,607,416. This rejection is respectfully traversed.

YAMAMOTO et al. is only cited for the teaching of a liquid barrier comprising a liquid permeable surface layer and a liquid impermeable surface layer. YAMAMOTO et al. do not teach or suggest what is recited in claims 1 and 9. As set forth

above, MARTIN does not disclose or suggest what is recited in claims 1 and 9. Since claims 6-7, 12-15 and 17 depend from one of claims 1 and 9, the combination of references would not render obvious claims 6-7, 12-15 and 17.

New claim 20 is directed to the embodiment of Figure 4 of the present application and provides that the elastic elements are fastened only to the side flaps without an elastic element being connected to the liquid barriers. As set forth above, MARTIN teaches elastic elements connected to both the side flap and the liquid barrier. YAMAMOTO et al. do not teach or suggest what is recited in claim 20. Accordingly, it is believed that new claim 20 avoids the rejection under §103 and is allowable over the art of record.

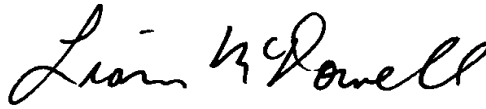
By way of further explanation, it is an object of the present application to have a double-edged barrier with only one of the barriers being elasticated. Such a configuration reduces the cost of having double elastication and also reduces discomfort such as chafing caused by the stiffness of hard elasticated edges. Such a configuration is not disclosed or suggested by the proposed combination of references.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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